

**Guidelines For Writing
Local Boating Ordinances
And
Permit Application
Requirements for
Placing Waterway Markers
In Wisconsin Waters**

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Department of Natural Resources
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INTRODUCTION

These guidelines for writing boating ordinances and identification of permit application requirements for the placing of waterway markers have been designed to help you with providing answers to some basic questions and providing recommended formats.

Realizing there maybe additional questions in dealing with these tasks, I have included a map and list of the regional Department of Natural Resources Recreational Safety Wardens on the last page that you can contact in your area. Please also refer to this list of when you are submitting any documents for DNR review or approval.

Please take the time to read these guidelines, as it will help us all to expedite the review of your ordinances and the processing of your waterway marker permit applications. With your help we can make Wisconsin's waterways a safer place to recreate and enjoy the State's natural resources.

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GUIDELINES FOR WRITING LOCAL BOATING ORDINANCES

State law allows counties, towns, villages, cities, public inland lake protection and rehabilitation districts, and town sanitary districts to enact local regulations relative to boating in the interest of **public health, safety or welfare**, including the public's interest in preserving the state's natural resources. State boating law provides a general framework of regulation, but it is up to towns, villages, cities, public inland lake protection and rehabilitation districts and town sanitary districts, to provide regulations tailored to local conditions. The authority to enact local regulations is found in Chapter 30 of the Wisconsin Statutes. See Sections 30.77(2) and 30.77(3), Wis. Stats. for the exact wording of the enabling legislation. See Chapter 33, Wisconsin Statutes for the language regarding Public Inland Lake Protect and Rehabilitation Districts.

The following guidelines are designed to aid in the drafting of your ordinance.

1. State the specific name or a legal description of the waters to be covered by the ordinance. Be certain an inland lake lies entirely within the jurisdiction of your municipality. If there is more than one jurisdiction on an inland lake, at least one of the following must apply for an ordinance to be valid:
 - a. All towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance.
 - b. At least 50% of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and at least 60% of the footage of the shoreline of the lake is within the boundaries of these same towns, villages and cities.

If a town, village or city proposes to amend or repeal an ordinance, they must hold a hearing on the issue at least 30 days before the amendment or repeal would take effect.

And, if after holding the hearing, they amend or repeal the ordinance that they enacted so that (b) above no longer applies, then all of the previous identical ordinances are invalid.

2. A public inland lake protection and rehabilitation district or a town sanitary district may enact and enforce ordinances applicable to a lake within its jurisdiction only if one of the following apply:
 - a. Each town, village or city, having jurisdiction over the lake adopt resolutions authorizing the lake district or town sanitary district to do so.
 - b. At least 50% of the towns, cities or villages having jurisdiction over the lake adopt resolutions authorizing the lake district or town sanitary district to enact or enforce ordinances and at least 60% of the footage of the shoreline of the lake is within the boundaries of these towns, villages or cities.

If a town, village or city proposes to rescind the resolution authorizing a lake district or town sanitary district to enact ordinances so that (b.) above no longer applies, it is required to hold a hearing on the issue at least 30 days before the recession will take effect. If after holding the hearing the town, village or city rescinds the resolution the ordinances adopted by the lake district or town sanitary district are invalid.

3. A public hearing must be held on any proposed ordinance at least 30 days before it is enacted and a notice of public hearing must be published at least 30 days before the hearing date. This requires

the notice of public hearing must occur a minimum 60 days before the proposed ordinance is expected to be enacted.

4. Local ordinance demands should be equal to the local ability to enforce. Conservation wardens enforce state law, but can not be expected to respond to complaints of local ordinance violations.
5. All citizens have public rights in navigable waters. The state holds these waters in trust for all the people. Ordinances cannot operate to restrict non-residents of the local community or Wisconsin.
6. Local ordinances cannot be less restrictive than state law.
7. Riparian rights must be considered. Local ordinances cannot unreasonably interfere with the riparian's basic right of gaining access to the water.
8. Ordinance language should avoid paraphrasing when state statutes are restated in a local ordinance. Where ever possible, state boating laws should be adopted by reference. This will avoid confusion. This will also ensure that the ordinance would remain current without a revision in the event of statutory changes.
9. Provisions such as Sections 30.60, 30.61, 30.62, 30.63, 30.64, 30.67, 30.675, 30.68(3)(b) and 30.71, Wis. Stats., which deal with equipment requirements and safety regulations may not be changed by local ordinances except pursuant to NR 5.19, Wis. Adm. Code, which allows certain exceptions for water exhibitions and races.
10. If an ordinance is enacted according to Sections 30.77(3), public posting of the ordinance in accordance with Section 30.77(4) and NR 5.15 Wis. Adm. Code must be accomplished to insure an enforceable ordinance. Posting enables boaters to read and **understand** the local regulations. The clearer the language the better. (See the "Posting of Local Ordinance" section for more information)

A posted map of the local water with “colored in” restricted zones is an excellent way to convey information to boaters.

11. All controlled areas such as slow-no-wake areas must be specifically described in an ordinance.
12. Regulatory waterway markers must be authorized in a local ordinance, and authorized on the waterway marker application (Form 8700-58) and approved by the Department of Natural Resources.
13. Speed restrictions designated in miles per hour can be difficult to enforce. A Slow-no-wake restriction is preferable where appropriate.
14. Uniformity of traffic rules throughout the state is necessary so that the transient boater and the public in general, may know the law. Ordinances regulating local conditions such as approaching or leaving docks and landings should conform as nearly as possible to state law.
15. Where state law specifically allows something, local regulations cannot prohibit the same. For example, age requirements for boat operation cannot deviate from state law.

16. Across the board regulation by boat size, type, or horsepower has been considered an unwarranted restriction of public rights in previous court rulings.
17. Where an ordinance imposes regulations which are more restrictive than state law, the Department will require a condition report outlining the local conditions which necessitate such a restriction. See the Condition Report section (page 7) of this handbook for further direction.
18. It is suggested that all ordinances contain a severability section.
19. All ordinances must contain a separate penalty section. As required by Chapter 800.04(2), Wis. Stats., deposits for boating violations shall be in accordance with the amount established by the uniform deposit schedule under s. 23.66, Wis. Stats. It is suggested that the penalty section be worded: Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

(Note: A uniform bond schedule may be obtained from the Recreational Safety Warden in your region. Refer to the map on the last page of this document.
20. Ordinances for inland lakes must be submitted to the Department of Natural Resources for review at least 60 days prior to final action taken upon the adoption and effective date.
21. A signed, dated copy of all ordinances must be submitted to the Department after passage in order for the ordinance to be legal.

The amount and type of water-based activities is constantly growing and local regulation can be responsive to the public need. Through regulation, a safe enjoyable water environment can be provided while at the same time controlling undesirable conflict. Understanding is needed by everyone involved in the regulatory process in order to solve Wisconsin's boating problems.

This handbook contains example ordinances that may be used in drafting a local ordinance to meet your specific needs. Feel free to use the suggested wording, filling in the blanks and making revisions where necessary.

We recommend following the suggested format to ensure accuracy, uniformity and completeness.

If assistance is desired in writing your ordinance, your local Conservation Warden or the Department of Natural Resources Regional Recreational Safety Warden should be contacted.

POSTING OF LOCAL ORDINANCES

REFERENCES:

Wisconsin Statutes

30.77(4) **Publicizing Local Regulations.** All local regulations adopted under sub. (3) shall be prominently posted by the local authority which enacted them at all public access points within the local authority's jurisdiction and also shall be filed with the department.

Wisconsin Administrative Codes

NR 5.15 **Posting Requirements.** The posting requirements for local authorities under s. 30.77(4), Stats. shall be a sign with a minimum of 3 inch lettering stating “**Local Ordinance**” posted at each public landing. The sign shall list, in letters with a minimum height of 1 inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

Main Points of Posting Requirement ---

1. Shall be posted by the local authority which enacted the regulation.
2. Shall be posted at all public access points to the body of water governed by the ordinance.
3. Shall be a sign with “**Local Ordinance**” in 3 inch lettering (minimum).
4. Shall list those regulations more restrictive than state law in 1 inch lettering.
5. May be a summary, synopsis or outline of those regulations.

POSTING OF LOCAL ORDINANCES

EXAMPLE: A township passes a boating ordinance that is 4 pages in length. The ordinance lists upon which waters the regulations pertain, the enforcement agency responsible for enforcement, which state laws are adopted, definitions as found in Chapter 30, Wis. Stats., designation of all slow-no-wake areas to be marked by buoys, water ski hours and hours of slow-no-wake. It also discusses the placement of rafts and construction materials to be used in piers.

WHAT MUST THE TOWNSHIP POST???

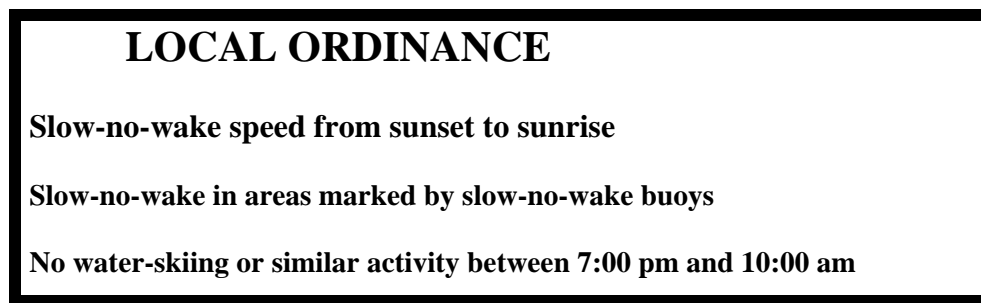
WATER SKI HOURS OR SLOW-NO-WAKE TIMES?

YES! These are the only regulations more restrictive and unique to the lake.

STATE LAWS ADOPTED, i.e., battery covers, registration, age restrictions, slow-no-wake within 100' of a dock, no water-skiing after sunset, OWI rules?

NO, State laws need not be posted – they are the same for boaters throughout Wisconsin.

SAMPLE OF WHAT SIGN COULD LOOK LIKE



Helpful, but not necessary, information the sign might contain:



Telephone number of local police department or 9-1-1



Map of the lake showing slow-no-wake areas, marinas, depth contours

CONDITION REPORTS

If a regulation or regulation change is being enacted pursuant to Section 30.77(3), Wis. Stats., the Department requires that a short condition report giving the surrounding facts be submitted with the ordinance for review. The Condition Report may seem like just another piece of paper, but it is integral to and justifies the ordinance.

The condition report shall include, at a minimum, the following items:

- The local conditions necessitating the regulation or regulation change.
- How the added or changed regulation will solve the problem.
- The negative effects of the corrective measures considered and who will be negatively affected.
- An opinion statement concerning the impact the regulation will have on public health, safety, or welfare if this regulation is not adopted.
- A statement summarizing the arguments of interests opposed to the regulation or regulation change.

Local conditions you might consider include, but are not limited to, citations issued, size of the body of water, width of a channel, depth of the water, concentration of boaters due to constricted areas, egress and ingress from a landing or marina, etc. Support these statements with actual data where possible such as the number of accidents or complaints occurring, number of boat slips, etc.

As you can see from the above listed items, the Condition Report should make explicit why an ordinance is in the public interest. This is important because an ordinance that excludes a part of the general public may raise substantial and material questions of fact. A court test may be required to settle these questions. By showing how and why an ordinance is in the public interest, the Condition Report may prevent a court test.

The Condition Report will enable the Department to investigate the pertinent local conditions requiring the ordinance and complete an advisory review in a more timely manner. Advisory reviews will consider the effect the regulation has on the state from the standpoint of uniformity and enforcement. It will also consider whether or not regulations are consistent or inconsistent with Chapter 30 with regard to public health, safety or welfare. Our review is designed to prevent special interest regulations that do not coincide with the public interest.

An unenforceable or difficult to enforce ordinance is a burden and a source of conflict between the enforcing authority and the people it was enacted to protect. A major reason for creating an ordinance is to lessen conflict. The Department may take action to contest local ordinances that do not provide for public health, safety, or welfare and those which are contrary to or inconsistent with state or federal boating laws.

REGULATION OF WATERCRAFT BY TYPE

There has been much debate regarding local ordinances which restrict or ban certain kinds of watercraft, primarily personal watercraft. The Attorney General has stated that regulations restricting a particular type of watercraft may be appropriate under certain circumstances if the municipality can demonstrate that the interests of public health, safety, and welfare justify the ordinance. The Public Intervenor has outlined points that should be considered in determining the validity of such a regulation. The Department of Natural Resources cannot say whether a restriction of this type would be upheld in court, but recommends that municipalities evaluate their situation based on the following criteria when drafting their boating ordinances and include this information in a condition report which should be submitted to the department together with the draft ordinance for review.

1. What is the goal of the regulation?
2. Why is this a reasonable and rational purpose?
3. How will the regulation accomplish the goal?
4. Is this type of boat reasonably singled out?
 - a) What are substantial distinctions between this type of boat and every other type of boat?
 - b) Do these distinctions reasonably suggest substantially different regulations for this type of boat?
 - c) Are there any other types of boats which do, or could potentially, cause the same problem(s)? How are these types of boats being regulated?
 - d) Does the regulation apply equally to each boat of this type? Does the regulation apply to each type of boat which could potentially cause the same problem?
5. Is the condition that causes the perceived need for the regulation only in existence during a certain time of year? Day? If so, when?
6. What are the anticipated results if this regulation is not enacted?
7. Describe the public support for this regulation.
8. Describe the public opposition to this regulation.
9. Are there other less restrictive regulations which could accomplish the goal?
 - a) Have other types of regulations been tried? If so, what were the regulations and what was the outcome?

Many of the complaints the Department receives regarding personal watercraft (PWC) are with regard to either noise or location of operation. Please be aware that there are laws in place to deal with these problems. Section 30.62(2) of the Wisconsin Statutes regulates boat noise. Have decibel readings been taken to determine whether any boats are exceeding the legal decibel limit? If so, enforcement action should be taken under s. 30.62(2), Wis. Stats. Section 30.66 and 30.69(3), Wis. Stats. state that a PWC cannot operate faster than slow-no-wake within 100' of another craft or 200' of the shoreline of a lake and cannot operate within 100' of a boat towing a skier, the ski rope, or the skier. Oftentimes, enforcement of existing laws can eliminate the problem.

EXAMPLE ORDINANCE FOR ADOPTION OF STATE STATUTES

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I. **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____.

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VII **Severability**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Town/Village) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson Name

(signature of Chairperson)

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

EXAMPLE ORDINANCE FOR SLOW-NO-WAKE AREA

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____
AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village²) Board of the (County/City/Town/Village) of _____ do
ordain as follows:

Section I. **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____.

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV **Definitions**

- (a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.

Section V **Controlled Area**

No person shall operate a boat faster than slow-no-wake in the waters of (name of area/lake/bay, etc.) beginning (location - specific) and ending (location - specific) at any time.

Section VI **Posting Requirements**

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

² Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

EXAMPLE ORDINANCE FOR SLOW-NO-WAKE HOURS

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____
AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village³) Board of the (County/City/Town/Village) of _____ do
ordain as follows:

Section I. **Applicability and Enforcement**

- (c) The provisions of this Ordinance shall apply to the waters of _____.
- (d) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____.

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV **Definitions**

- (b) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.

Section V **Hours of Operation**

No person shall operate a boat faster than slow-no-wake during the hours of _____ to _____ local time on _____ Lake.

Section VI **Posting Requirements**

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

³ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

**EXAMPLE ORDINANCE FOR
SLOW-NO-WAKE DURING HIGH WATER PERIODS**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village⁴) Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I. Applicability and Enforcement

- (e) The provisions of this Ordinance shall apply to the waters of _____
- (f) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Definitions

- (c) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.

Section V Controlled Area

No person shall operate a boat faster than "slow-no-wake" in the waters of (name of lake/river, etc.) when the water level exceeds elevation (insert elevation) as based on the bench mark located at (location). This slow-no-wake restriction will be posted at all public access points when in effect.

Section VI Posting Requirements

⁴ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

EXAMPLE ORDINANCE FOR WATER SKIING RESTRICTIONS

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village⁵) Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I. Applicability and Enforcement

- (g) The provisions of this Ordinance shall apply to the waters of _____.
- (h) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Water Skiing

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity during the hours of _____ to _____ local time on weekdays and _____ to _____ local time on weekends from _(date)_ to _(date)_.

OR

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity during the hours of _____ to _____ local time on weekdays and _____ to _____ local time on weekends from _(date)_ to _(date)_ on the waters of (Name of Lake) in the area of (Name of bay or specific lake area).

Section V Posting Requirements

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

⁵ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VI **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

**EXAMPLE ORDINANCE FOR
WATER EXHIBITIONS AND RACES**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village) Board of the (County/City/Town/Village) of _____
does ordain as follows:

Section I. Applicability and Enforcement. Persons or groups wishing to conduct any water exhibitions or races as defined by State Statutes or the Wisconsin Administrative Code shall apply for a special permit issued by the Town Clerk after Town Board approval.

- (a) The provisions of this Ordinance shall apply to _____.
- (b) Exceptions from State boating laws granted through the permitting process apply only to the specific event days and times. These exceptions from State boating laws do not apply for any practice time or dates.
- (c) The officers of the (County/City/Town/Village) shall enforce this chapter.

Section II. Intent The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III. State Boating and Safety Laws Adopted. State boating laws as found in 30.50 to 30.71 and 30.742 Wis. State Stats., and NR 5.19 Wis. Admin. Code are adopted by reference.

Section IV. Water Exhibition and Race Permit. The permit shall include the following: Permittee, address, telephone number, day(s) or date(s) of the event, hours of the event, day(s) or date(s) of necessary practice, hours of the practice, legal description of the event area, legal description of the practice area, and expiration date.

Section V. Placement of Buoys. Under the authority granted in NR 5.09(7)(d), Wis. Adm. Code, the (County/City/Town/Village) Board hereby authorizes the permittee to place water-ski buoys at the event location described in the permit for the length of the permit.

Section VI. Exclusive Use Area. An exclusive use event location on (name of water body) is described as follows: (Legal description)

The permittee shall be granted exclusive use of the event location described above during the authorized day(s) or date(s) and hours of the permitted event. This section does not apply in the case of an emergency, to the water patrol or to rescue craft, or for the ingress and egress of private riparian owners within the exclusive use area.

Section VII. Water Exhibition and Race Authorized Area.

A water exhibition and race authorized practice area on (name of the water body) is described as follows: (Legal description) The permittee's use of this area is limited to not more than the following days and hours: (List the days and hours).

Section VIII. Penalties. Wisconsin state boating penalties as found in Wis. Stat. section 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the (County/City/Town/Village) Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstances are held invalid the remainder of the Ordinance and the application of such provisions to other persons and circumstances shall not be effected.

Section X. Effective Date. This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

EXAMPLE ORDINANCE FOR MOTORBOAT PROHIBITION

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village⁶) Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I. **Applicability and Enforcement**

- (i) The provisions of this Ordinance shall apply to the waters of _____.
- (j) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____.

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV **Motor Boat Prohibited Area**

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of _____. Electric motors only are permitted on said waters.

Section V **Posting Requirements**

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are

⁶ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

EXAMPLE ORDINANCE FOR MULTIPLE RESTRICTIONS

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____
AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village⁷) Board of the (County/City/Town/Village) of _____ do
ordain as follows:

Section I. **Applicability and Enforcement**

- (k) The provisions of this Ordinance shall apply to the waters of _____.
- (l) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____.

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV **Definitions**

Choose any of the following definitions or add those which apply.

- (a) "Public access" means any access to the waters by means of public property.
- (b) "Shore zone" means all surface water within _____ feet of the shoreline.
- (c) "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- (d) "Water ski" means a boat towing a person using water skis, and aquaplane or similar device.

Section V

⁷ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Use this area to insert as many sections and paragraphs from the following pages as it is necessary to meet your local needs. Renumber the rest of the sections as needed to fit your needs.

Section VI **Posting Requirements**

The County/City/Town/Village) of _____ shall place and maintain a synopsis of this Ordinance at all public access points within the jurisdiction of the _____ (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the _____ County/City/Town/Village) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

OPTIONAL ORDINANCE SECTIONS

Section____ **Speed Restrictions**

Speed restrictions designated in miles per hour can be difficult to enforce; “slow-no-wake” is preferable in appropriate areas.

A speed limit of _____ is established on the waters of _____. No person shall operate a boat faster than the established speed limit.

Section____ **Controlled Area**

No person shall operate a boat faster than slow-no-wake in the waters of (name of area/lake/bay, etc.) beginning (provide a specific location) and ending (provide a specific location) at any time.

Section____ **Hours of Operation**

No person shall operate a boat faster than slow-no-wake during the hours of _____ to _____ local time on _____ Lake.

Section____ **Water Skiing**

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity between the hours of _____ and _____ local time on weekdays and _____ and _____ local time on weekends from (date) to (date) .

Or

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity between the hours of _____ and _____ local time on weekdays and _____ and _____ local time on weekends from (date) to (date) on the waters of (Name of Lake) in the area of (Name of bay or specific lake area) .

Section____ **Traffic Rules**

On (lake name(s)) between the hours of _____ and _____ local time, no person shall operate a motorboat at a speed greater than "slow-no-wake" except in a _____ (counterclockwise or clockwise direction) .

Section____ **Gas Powered Motor Boat Prohibited Area**

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of (lake name)

in the area described as _____. Electric motors only are permitted on said waters.

Section_____ **Ski Pick-Up/Drop Area**

A Water Ski Pick-Up/Drop area is hereby established, pursuant to Wisconsin Statute 30.69(3), in that area of (Lake/River) adjacent to the (launch area/pier at Location). The Ski Pick-Up/Drop area shall be defined as an area no more than 100 feet (100') from the location of the (area of dock or pier) as marked by regulatory markers.

The Ski Pick-Up/Drop area hereby established will only be in effect when appropriate regulatory marker(s) are in place.

The Ski Pick-up/Drop area shall only be in effect during times and dates designated in a (City/Town/Village Board/governing agency) issued permit, as provided for in Section (fill in this section from the ordinance).

Section_____ **Regulation of Mooring**

No person shall place or use a mooring buoy within 200' from shore in the waters of ____ (Name of water body) ____ without first obtaining a permit. Permits to place moorings shall be issued by the ____ (Name of responsible local official) ____. Applicants shall demonstrate compliance with the standards approved by the ____ (City/Town/Village Board/governing agency) ____ and the requirements of 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

<p>Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined.</p>

EXAMPLE OF A MOORING ORDINANCE

A SOLE ORDINANCE TO REGULATE MOORING OF BOATS UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village) Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **Definitions**

- (a) "Mooring" when used as a noun means a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless there term is qualified or restricted.
- (b) "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.
- (c) "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

Section IV **Regulation of Mooring**

No person shall place or use a mooring buoy within 200' from shore in the waters of (Name of Lake) without first obtaining a permit. Permits to place moorings shall be issued by the (Name of responsible local official). Applicants shall demonstrate compliance with the standards approved by the (City/Town/Village Board/governing agency) and the requirements of 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined in 30.772(3).

Section V **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VI **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VII **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

**EXAMPLE ORDINANCE
DESIGNATED MOORING AREA**

The (County/City/Town/Village) Board of the (County/City/Town/Village) of _____, _____ County, Wisconsin, pursuant to Section 30.773, Wis. Stats., hereby creates Section _____ of the Municipal Code to read as follows:

Section I Intent

The intent of the listed designated mooring areas (DMAs) is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

Section II Applicability and Enforcement

The provisions of this ordinance shall apply to the below DMAs. The provisions of this ordinance and administrative code for the below listed DMAs shall be enforced by the officers of the (water safety patrol/police) of the (County/City/Town/Village) of _____.

Section III State Mooring and Safety Laws Adopted

State regulations and regulations applicable to moorings as found in Chapter 30 of the Wisconsin Statutes are adopted by reference.

Section IV Mooring Area Descriptions

(These descriptions are provided as an **example** only. Descriptions must be the same as provided on the DMA map.)

- | | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>a.</p> <p>b.</p> <p>c.</p> | <p>Designated Mooring Area #1 - Moorland Park DMA</p> <p>Beginning at the northerly most meander corner of lot 2 of Certified Survey Map No. 3631, Document No. 1696280 recorded in Volume 15 of Certified Surveys on pages 1,2 and 3, _____ County Register of Deeds <u>(Continue with legal description)</u></p> <p>Moorland Park DMA contains <u>(xxx.x)</u> acres.</p> <p>Designated Mooring Area #2 - (Optional name)</p> <p>Beginning..... DMA contains <u>(xxx.x)</u> acres.</p> <p>Etc.</p> |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Section V Standards

The above listed DMAs will be established, operated and maintained in accordance with the standards of approval as stated in s. 30.773(3) Wis. Stats.

Section VI **Mooring Area Regulations**

Describe placement of moorings, fees, eligibility for use, type of mooring, weight of anchor, attachment to boat, etc.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson)

DESIGNATED MOORING AREAS (DMA)

Municipalities may establish designated mooring areas by following the procedures outlined in ss 30.773, Wis. Stats. The requirements are briefly outlined here.

The designated mooring area must meet the following requirements:

1. The mooring area must be more than 150 feet from the ordinary high-water mark.
2. The establishment and operation of the mooring area may not materially obstruct navigation.
3. The establishment and operation of the mooring area cannot be detrimental to public rights or interests in the waterway.
4. The mooring area cannot be within and cannot adversely affect a critical or significant fish or wildlife habitat area.
5. The establishment and operation of the mooring area must comply with all applicable zoning requirements.
6. All riparian owners must agree in writing to the establishment of the mooring area.
7. The use of the mooring area cannot be unfairly restricted or used to exert exclusive privileges for use of the navigable waters.

The required submittals for a DMA application are outlined below.

1. A statement indicating the municipality has jurisdiction over the water. Wisconsin Statute 30.772(1) states:

"Subject to department approval, a municipality with jurisdiction over navigable waters may establish designated mooring areas as provided in this section".
2. A statement indicating approval from the Board of Harbor Commissioners or a statement indicating the municipality does not have a board of harbor commissioners.
3. Six (6) copies of an ordinance creating the designated mooring area. The legal description of the DMA in the ordinance must match the metes and bounds description on the map. This ordinance must be created by the municipality.
(See sample ordinance.)
4. Six (6) copies of a map of the designated mooring area. Map requirements:
 - a. Scale not less than 100 feet to the inch.
 - b. The map must indicate the exact surveyed boundary of the mooring area.
 - c. The map must show adjacent riparian areas and delineate adjacent riparian areas by a method use in Chapter NR 326, Wis. Administrative Code. The method used must be stated on the map.

- d. The map must indicate it was prepared by a registered surveyor in the state of Wisconsin.
 - e. The map must state on it, the metes and bounds description of any bulkhead line adjacent to the DMA.
 - f. The map must show the placement of informational waterway markers for the DMA. (The map must include the Informational "Mooring Area" marker placement).
- 5. A statement indicating the establishment and operation of the mooring area does not materially obstruct navigation.
 - 6. A statement indicating the establishment and operation of the mooring area is not detrimental to public rights or interest in the waterway.
 - 7. A zoning administrator statement that the establishment and operation of the DMA complies with all applicable zoning requirements.
 - 8. The signature of all riparians agreeing to the establishment and operation of the mooring area.
 - 9. A statement from the applicant indicating how the DMA will be used, that the DMA is not unfairly restricted or used to assert exclusive privileges for use of the navigable waters and will be open to public navigation.
 - 10. A properly completed Waterway Marker Application (Form 8700-58) showing the placement of the informational boundary markers.

WATERWAY MARKERS

Waterway markers may be placed in all state waters. All waterway markers placed in, on, or near the water must comply with the uniform waterway marking system established in NR 5.09, Wisconsin Administrative Code. No municipality or person may mark the waters of the state in any manner that conflicts with this system.

Waterway markers can be authorized only by an agency or political subdivision of the state having jurisdiction over the waters and must be approved by the Department. Applications for placement of waterway markers must be filed on Form 8700-58 and must be accompanied by a map or sketch showing the proposed location of the markers. Exact location must be expressed in distances from one or more fixed objects whose location is known. The local municipality should verify that the application is filled out properly and then complete Section II of the application form indicating political subdivision approval or disapproval. **Any applications received by the Department which do not have Section II filled out and signed off by the political subdivision will be returned to the applicant.**

The responsibility for placement and maintenance of waterway markers lies with the local municipality. If alternate arrangements have been made for the placement and maintenance of buoys, this should be specifically stated on the placement application form.

Completed applications should be forwarded to your local Conservation Warden or Regional Recreational Safety Warden for Department approval or disapproval. You will receive the completed application in the mail together with a letter from the Department indicating Department approval or disapproval.

DISPLAY OF MARKERS

A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface or as a sign mounted on a buoy. When a waterway marker is displayed as a sign it should conform to the Uniform State Waterway Marking System by:

- Displayed on a white background with a band of international orange at the top and bottom.
- Letters and Numerals shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.
- Displaying Uniform State Waterway Marking System symbols (see page 41) in international orange. Symbols shall be not less than 2 inches in width and shall be 2/3 of the display area height.

BUOY TYPES AND REQUIREMENTS

Following is a description of the different types of waterway markers, together with any special requirements for each.

1. Control Buoys - These buoys indicate controlled areas such as: slow-no-wake, no skiing, no scuba diving, etc. where speed or activities are restricted.
2. Boats Prohibited Buoys - These buoys indicate Swimming areas, waterfalls, rapids, dams, etc. All boats, motorized and non-motorized, are prohibited from entering the area.

Requirements to Place Control and Boats Prohibited Buoys:

- a. Except for swimming areas, a local ordinance must be passed to authorize the placement of either of the buoys. The ordinance must specifically describe the location of all buoys.
 - b. The justification for creating the restriction must be the protection of public health, safety, welfare and not primarily for the benefit of private interests.
 - c. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form.
 - d. Department of Natural resources review of the ordinance and approval of the application is required.
 - e. The buoys must be placed by individuals with proper authorization from the municipality having jurisdiction over the waters involved.
 - f. Swim area buoys can only be approved for placement in conjunction with swim areas operated by resorts, clubs, or civic organizations where they are open to the public or used by large number of people.
 - g. The buoys must be of the proper type:
 - Cylindrical in shape.
 - A minimum of 36 inches above the waterline.
 - A minimum diameter of 7 inches.
 - The information on the buoy must be printed in black.
 - The "Control" buoy will be white with an orange circle.
 - The "Boats Prohibited" buoy will be white with an orange diamond with an orange cross inside.
3. Danger Buoys - These buoys are used to warn boaters of rocks, cables, stumps, dams, etc.
 4. Information or Direction Buoys - These buoys inform boaters of direction, distances, locations, rules, etc.

5. All Green and All Red Buoys - These buoys are used in pairs and boaters should pass between them. If the buoys are numbered, the red buoys have even white numbers and the green buoys have odd white numbers. When traveling upstream, the green buoys mark the left side of the channel and the red buoys mark the right side of the channel.
6. All White Buoys with Black Vertical Stripes - These buoys mark the most navigable route of safe passage and should be passed closely on either side.

Requirements to Place Danger, Information, and Red, Green, and Black-and-White Buoys:

- a. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form.
- b. Department of Natural Resources review and approval of the application is required.
- c. The buoys must be placed by individuals with proper authorization from the municipality having jurisdiction over the waters involved.
- d. The buoys must be of the proper type:
 - Cylindrical in shape.
 - A minimum of 36 inches above the waterline.
 - A minimum diameter of 7 inches.
 - The "Danger" buoy will be white with an orange diamond. Any information will be printed on this buoy in black.
 - The "Information" or "Direction" buoy will be white with an orange square. Any information will be printed on this buoy in black.

7. Requirements to Place Mooring Buoys

For mooring buoys within 150 feet of the “ordinary high water mark” (sec 30.772, Wis Stats.) no Department approval or permit is required. A permit may be required from the political subdivision, however, if they have enacted a local ordinance regulating mooring. Local municipalities may enact ordinances regulating mooring up to 200 feet from the “ordinary high water mark” (OHWM). (sec 30.772 Wis Stats)

Even though permit approval may not be necessary for buoys within 150 feet of the OHWM, (or 200 feet if regulated by local ordinance), persons placing buoys must meet the requirements of s. 30.772(2), Wis. Stats., which are:

- a. Riparian owners must have given written permission.
- b. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- c. The mooring or use may not interfere with the rights of the other riparians.
- d. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.
- e. The mooring buoy must be of the proper size and type as outlined on the next page

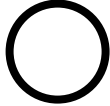

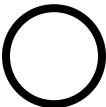
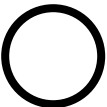














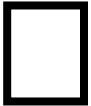



For mooring buoys placed more than 150 feet from the OHWM (or 200 feet where regulated by local ordinance):

- a. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form. The applicant must be the riparian owner.
- b. An Individual Mooring Justification Worksheet (Form 8700-192) must be completed.
- c. Department of Natural Resources review and approval of the application is required.
- d. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- e. The mooring or use may not interfere with the rights of the other riparians.
- f. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.
- g. The mooring buoy must be of the proper size and type as outlined below.
- h. Any boat moored more than 200 feet from the shoreline is required to be lighted from sunset to sunrise by a white light visible all around the horizon. (Boats moored in a DNR-approved designated mooring area are exempt from this lighting requirement.)

MOORING BUOY SPECIFICATION

In addition to the previously outlined requirements, all mooring buoys must be of the following size and type.

1. Mooring buoys must be white with a blue strip midway between the top and the waterline.
2. They must be spherical or ovate in shape.
3. They must extend a minimum of 18 inches above the waterline.

SYMBOLS	MESSAGES
<p>CONTROLLED AREA</p>  <p>2" Band</p>	<p>SLOW NO SKI NO</p>    <p>WAKE AREA SKI</p>
<p>DANGER</p>  <p>14" 2" Band</p>	<p>ROCK DANGER RAPIDS SHORE STUMP SHALLOW HAZARD</p>       <p>AREA AREA</p>
<p>RESTRICTED AREA</p>  <p>14" 2" Band</p>	<p>SWIM KEEP NO BOATS CLOSED DAM</p>      <p>AREA OUT BOATS KEEP OUT AREA DAM</p>
<p>INFORMATION</p>  <p>11 2" Band</p>	<p>MOORING STATE MARINA SLALOM</p>     <p>AREA PARK ENTRANCE AREA</p> <p>Information buoys usually require special markings</p>
<p>CENTER CHANNEL MARKER</p> <p>Available with Black Stripes and Reflective Band</p>	<p>CHANNEL MARKER</p> <p>All Red or Green</p> <p>When proceeding upstream.. Red buoys mark right side of channel Green buoys mark left side of channel</p>

*OTHER WORDING TO MEET SPECIAL NEEDS IS AVAILABLE

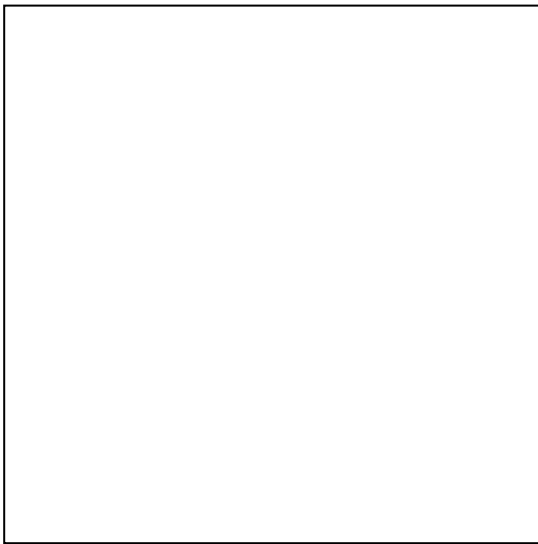
These symbols conform to inland Waterway Marking Regulations, as specified by the State of Wisconsin and the U.S. Coast Guard.

SKETCHES AND MAPS FOR WATERWAY MARKER APPLICATIONS

Sketches must show the location of the marker(s) from one or more fixed object whose precise location is known. This enables a person to take the Waterway Marker Application and the map attached to it to the fixed object, and from there is able to locate the waterway marker(s).

If the markers restrict or prohibit operation of a motorboat (such as a swim area), the restricted area must be very noticeable to a boater. In most of these situations, more than one waterway marker will be needed.

Normally the sketch criteria can be satisfied by marking on a map of some type the location of the area and then sketching an additional map showing the location of the marker(s) from the fixed object.



A = Point from which beach measurements were taken.
Steel post in ground.

Points b, c, d, e are the swimming beach buoy markers.

Arrow G is the beach length of 120 ft.

Arrow H is the beach width of 80 ft.

Buoy placement as follows:

Distance A to B is 60 ft.

" B to C is 60 ft.

" C to D is 80 ft.

" D to E is 60 ft.

" E to shore is 60 ft.

" E to B is 80 ft.

ESTABLISHING A SLALOM COURSE

Following are the steps necessary for application for a slalom permit.

1. If your slalom course involves the placement of a structure on the bed of the waterbody, contact the Area Water Management Specialist at your DNR Region office who will help you begin the process to obtain a Chapter 30.12, Wis. Stats., permit.
2. Complete Section I of Form 8700-58. In section I of the form, you must receive the written signature(s) of the riparian owner(s) whose property the course will lie in front of. If there is more than one riparian owner involved, simply write "See Attached" in the property owner section of the form and attach a separate sheet containing names, addresses, phone numbers and signatures of all riparian owners. If any of the riparian owners do not agree in writing to the placement of the slalom course, the application cannot be approved.

Indicate on form 8700-58 the number of informational buoys which will be used to mark the boundaries of the slalom course and also the number of slalom course buoys which you plan to install (see example in this booklet). See NR 5.09(7)(b), Wis. Adm. Code, attached which outlines the size and shape requirements for the actual slalom buoys.

3. Attach map(s) showing the configuration of the buoys with exact measurements from one or more fixed objects. Also include on the map(s) the property boundaries and owner's names of the riparian properties which the slalom course will lie in front of. See the attached maps which demonstrate how to determine riparian boundaries.
4. Take the Form 8700-58, together with the map(s) and riparian signatures, to the political subdivision having jurisdiction over the waterbody. Have them complete Section II of the form.
5. Forward the completed, signed application, together with map(s), riparian signatures, and approved Chapter 30.12 permit (for placement of the structure on the waterbody bed), to your local conservation warden for review. The local warden will indicate his/her approval or disapproval, and forward the application on to the Regional Recreation Safety Warden.

If you have further questions, please contact your local warden.